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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 (San Jose Division)

15 **SARAH PEREZ;**
16 **MICHELLE LACKNEY;**
17 **RACHEL STEWART;**
18 **RACHEL HARDYCK**

19 on behalf of themselves
20 and all others similarly situated;

CASE NO. CO6-1962 PVT

21 Plaintiffs,
22 v.

23 **STATE FARM MUTUAL AUTOMOBILE**
24 an Illinois corporation;

James Ware
**STIPULATION AND PROPOSED
ORDER RELATING TO
SCHEDULING OF MOTIONS
TO DISMISS**

25 **ALLSTATE INDEMNITY CO.**, an Illinois
26 corporation;

27 **GEICO GENERAL INSURANCE**, a Maryland
28 corporation;

29 **CERTIFIED AUTOMOTIVE PARTS ASS'N**
30 doing business in Washington, D.C.;

31 **LIBERTY MUTUAL FIRE INS. CO.**, a
32 Massachusetts corporation; and

33 **UN-NAMED INSURANCE CONSPIRATORS**

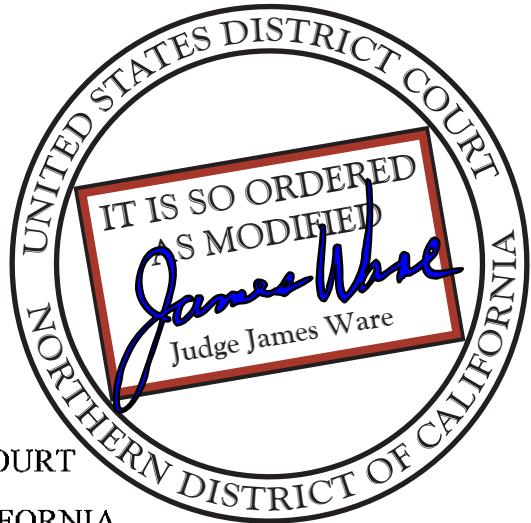
34 Defendants.

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38 STIPULATION AND PROPOSED ORDER RELATING TO
39 SCHEDULING OF MOTIONS TO DISMISS - Page 1



1 In light of the United States Court of Appeals for the Ninth Circuit's reversal and remand of
2 this Court's dismissal with prejudice of this action, the parties stipulate to and jointly submit a
3 proposed briefing and hearing schedule for three additional motions to dismiss to be filed by
4 Defendants, prior to the submission of a Joint Case Management Statement, and ask that the Court
5 enter the proposed Order attached hereto.

**STIPULATION RELATING TO SCHEDULING OF DEFENDANTS'
CONTEMPLATED MOTIONS TO DISMISS**

THE PARTIES, THROUGH THEIR COUNSEL, HEREBY STIPULATE AS FOLLOWS:

9 Defendants will re-submit briefing on whether the action is barred because the California
10 Insurance Code provides the exclusive mechanism for establishing and challenging insurance rates
11 in the State of California.

12 Further, Defendants will contend that the Second Amended Complaint does not plead
13 sufficient evidentiary facts under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

14 Finally, the CAPA Defendant also seeks to be dismissed for lack of personal jurisdiction.

15 Plaintiffs intend to oppose the above motions. Plaintiffs have not pressed now for the
16 submission of a Joint Case Management Statement with the understanding that (1) the Defendants
17 do not oppose the expeditious briefing of the above motions as set forth below, and (2) the parties
18 will submit a Joint Case Management Statement and Proposed Order at the end of the briefing of the
19 Defendants' dismissal motions.

PROPOSED BRIEFING SCHEDULE

Defendants File Dismissal Motions On or Before: May 15, 2009

Plaintiffs File Responses On or Before: June 5, 2009

Defendants File Replies On or Before: June 12, 2009

**Parties Submit Joint Case Management Statement
On or Before:**

The hearing on Defendants' anticipated M

The hearing on Defendants' anticipated Motions to Dismiss is set for **June 29, 2009 at 9 a.m.**

The Court will conduct a Case Management Conference at 10 a.m. following the hearing on the Motions.

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1 Dated: April 28, 2009

2 By //S//
3 **On Behalf of All Plaintiffs**

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Counsel for Defendants

**ORDER RELATING TO SCHEDULING OF
DEFENDANTS' MOTIONS TO DISMISS**

PURSUANT TO STIPULATION, IT IS SO ORDERED as MODIFIED.

5 DATE: May 12, 2009

The Honorable James Ware
United States District Judge

CERTIFICATE OF SERVICE

2 R. Stephen Berry certifies that he has served the foregoing Stipulation for Scheduling of
3 Defendants' Motions to Dismiss and Proposed Order on counsel of record through the Court's
4 electronic filing system.

//S//
R. Stephen Berry